

FILED**UNITED STATES DISTRICT COURT**

JUN 10 2013

for the

Western District of Texas

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY MB
DEPUTY CLERKUnited States of America
v.
Naomi Francine ARMENDARIZ

Case No.

P:13-MJ-470Defendant(s)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 2012-April 2013 in the county of Pecos in the
Western District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 USC 2422 (b)	Coercion and Enticement of a Minor
18 USC 922 (d)(1)	Disposing of a Firearm to a Convicted Felon
18 USC 1001	False Statements to a Federal Agent

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Complainant's signature

Edward C. Ainsworth Special Agent HSI

Printed name and title

Sworn to before me and signed in my presence.

Date:

6/10/2013

City and state:

Alpine, Texas

Judge's signature

B. Dwight Goains U.S. Magistrate Judge

Printed name and title

CRIMINAL COMPLAINT – Attachment

On January 17, 2013, Homeland Security Investigations (HSI) Alpine was contacted by the Fort Stockton Police Department regarding a possible inappropriate relationship between a 13 year old girl (CV1) and 19 year old male, Adrian ARMENDARIZ. HSI Alpine Special Agents Ainsworth and Ziankoski responded.

On January 18, 2013 at approximately 1400 hours, SA Ainsworth and SA Ziankoski met Fort Stockton Police Officer Evanjelina Salamanca at the Fort Stockton Middle School. Together, the officers met with the mother of CV1. The mother gave consent to search the cell phone belonging to CV1. During the interview, CV1 described both text messages and phone calls that outlined a sexual relationship with ARMENDARIZ. During a cursory inspection of her cell phone, text messages confirmed the sexual relationship as well as a cocaine trafficking scheme.

CV1 said that she was upset with ARMENDARIZ for also sleeping with a 15 year old female (CV2). CV1 stated that ARMENDARIZ had sex with CV1 in ARMENDARIZ' bedroom located at a house on Oklahoma St where he lives with his parents. CV1 stated that there was a crib in his bedroom and that the room was the first room on the right when you go down the hallway. CV1 stated that she had sex with ARMENDARIZ approximately 20 times. CV1 stated that ARMENDARIZ would either call or text to arrange for CV1 to come over for sex. CV1 stated that when CV1 had sex with ARMENDARIZ, CV1 would usually leave her clothes on and just pull her pants down to her knees. CV1 stated that she had performed oral sex on ARMENDARIZ 5-10 times. CV1 stated that she would send ARMENDARIZ naked photos of herself when ARMENDARIZ would request it. CV1 stated that ARMENDARIZ would text her stating "Send me a sexy picture." CV1 stated that she took a pregnancy test after CV1 had unprotected sex with ARMENDARIZ and the test was positive but that CV1 later had a miscarriage.

CV1 stated that ARMENDARIZ had given CV1 cocaine while CV1 was at her house. CV1 described the amount as a nickel sized bag which she put in her bra. ARMENDARIZ returned later to pick up the cocaine. CV1 stated that ARMENDARIZ was a member of the local "Gold & Black" street gang which was a chapter of the Latin Kings. CV1 stated that other members included Jose LNU, Blake Ramey, Edward LNU, Oscar Lopez-De la Rosa, and two other "gringos." CV1 stated that the members sold marijuana and cocaine out of Edwards car. CV1 stated that the members carried knives in their pockets but she had not seen any firearms.

On January 18, 2013 at approximately 1500 hours, SA Ainsworth and SA Ziankoski met Fort Stockton Police Officer Evanjelina Salamanca at the home of ARMENDARIZ which is located at 1204 North Oklahoma St in Fort Stockton Texas. SA AINSWORTH explained the 18 USC 1001 implications for lying and the importance of telling the truth. ARMENDARIZ stated that he understood.

ARMENDARIZ stated that he was 19 years old and had most recently been dating Cassandra Matta but that Matta had broken up with him because Matta believed ARMENDARIZ was cheating on Matta. Matta accused him of cheating based on Facebook posts by CV1 and CV2. ARMENDARIZ said that he knew CV1 because they had met through the stepfather of CV1 while at a work cook out. A photo of CV1 was found on ARMENDARIZ' phone during a consensual viewing. ARMENDARIZ stated that CV1 and CV2 were related and that CV2 had posted comments on Facebook which implicated ARMENDARIZ. ARMENDARIZ stated that he had not engaged in sexual activity with either girl. ARMENDARIZ stated that he had asked for "sexy pics" from CV2, Matta, and a 17 year old ex-girlfriend (CV3). ARMENDARIZ stated that he had never texted or called CV1.

On January 18, 2013 at approximately 1600 hours, SA Ainsworth and SA Ziankoski met Fort Stockton Police Officer Evanjelina Salamanca at the home of CV2. CV2 was accompanied by her grandmother and father. CV2 stated that she had sex with ARMENDARIZ one time around Thanksgiving of 2012 at the home of CV1. CV2 stated the she was not sure whether they used protection but that she had left her clothes on and only pulled them down to allow ARMENDARIZ to have sex with her. CV2 said that ARMENDARIZ had repeatedly texted CV2 "let's chill" at his residence. CV2 stated that ARMENDARIZ had also used Facebook to contact her. CV2 stated that CV1 had told CV2 that CV1 was pregnant by ARMENDARIZ.

On April 15, 2013 at approximately 1400 hours, SA Ainsworth and BPA Scroggs met ARMENDARIZ at his residence located at 1204 North Oklahoma St in Fort Stockton, Texas. SA Ainsworth asked ARMENDARIZ if ARMENDARIZ would be willing to talk with SA AINSWORTH about the results of the phone analysis. After being confronted by what had been found on the forensic analysis, ARMENDARIZ stated that he had in fact given cocaine to a lot of the girls ARMENDARIZ had dated for them to hold onto for ARMENDARIZ. Specifically, ARMENDARIZ stated that he had given CV1 a "50" of cocaine to hold onto but that the cocaine was given back to ARMENDARIZ at a later date. ARMENDARIZ stated that it was only personal use narcotics and that it was not for sale.

ARMENDARIZ stated that he had conversed with CV1 with text messages and calls to set up times to meet up. ARMENDARIZ stated that CV1 had told him she was 16 and CV1's mother had also stated that CV1 was 16. ARMENDARIZ stated that he had sex with CV1 only one time and that it was unprotected. ARMENDARIZ stated that CV1 had contacted him to tell him that CV1 was pregnant but that ARMENDARIZ did not believe it to be true. ARMENDARIZ stated that the one time he had sex with CV1 was at "Tina's place" and that CV1 had never been to ARMENDARIZ's residence. ARMENDARIZ stated that CV1's stepfather was called into work and ARMENDARIZ set up the meeting with CV1 via text message and cell. ARMENDARIZ stated that the only time he had sex with CV2 was at "Sadavi's Place."

On May 14, 2013 at approximately 0845 hours, BEST Big Bend with the assistance of HSI Special Response Team (SRT), FSPD SWAT, Pecos SWAT, and Customs and

Border Protection executed a Search and Arrest warrant on the residence of ARMENDARIZ. ARMENDARIZ was arrested at approximately 0850 and transported to FSPD for further questioning. After being advised of his rights by SA Ainsworth, ARMENDARIZ answered questions regarding the involvement of Diamantina GONZALEZ, mother of CV1 to FSPD Investigators Salamanca and Mehan and SA Ainsworth.

ARMENDARIZ stated that GONZALEZ talked with him and texted regularly and that GONZALEZ had "Given her Blessing" to the relationship between CV1 and ARMENDARIZ. Since January of 2013, CV1 had been moved in with her father in California and GONZALEZ scheduled a visit for CV1 to come see ARMENDARIZ and GONZALEZ in April of 2013 over a 3 day weekend.

ARMENDARIZ stated that GONZALEZ asked him to pay \$150 (half of the plane ticket price) and in return, he would be able to stay at GONZALEZ's residence with CV1. ARMENDARIZ stated that GONZALEZ wanted ARMENDARIZ to marry CV1 and that CV1 was pregnant. ARMENDARIZ stated that GONZALEZ knew ARMENDARIZ was having sex with CV1 and that ARMENDARIZ only learned of CV1's true age on her 13th birthday in December of 2012. ARMENDARIZ stated that GONZALEZ provided him with a fold out sofa on which to sleep with and have sex with CV1 while GONZALEZ was in the residence.

ARMENDARIZ stated and then showed investigators text messages where GONZALEZ was asking for \$255 for CV1 to fly to Fort Stockton for another visit in May. During that trip ARMENDARIZ planned to have sex with CV1 again at the residence of GONZALEZ.

On May 14, 2013 at approximately 1220 hours, SA Ainsworth and FSPD Investigators Mehan and Salamanca met with GONZALEZ in the interview room of FSPD headquarters. GONZALEZ was informed that she was free to go at any time and GONZALEZ agreed to answer questions. After initially lying about a kidnapping scheme, GONZALEZ was warned about 18 USC 1001 and she recanted her previous assertion that ARMENDARIZ was planning to kidnap CV1.

GONZALEZ stated that she gave ARMENDARIZ permission to stay at her residence in April with CV1 and that GONZALEZ had asked ARMENDARIZ for money to pay for CV1's plane ticket. GONZALEZ stated that she knew ARMENDARIZ was having sex with CV1 and that GONZALEZ had offered to buy them protection but CV1 informed GONZALEZ that CV1 was "all set." GONZALEZ stated that she had told both ARMENDARIZ and Naomi Armendariz (mother of ARMENDARIZ) that CV1 was pregnant.

GONZALEZ initially stated that GONZALEZ had not texted or spoken with ARMENDARIZ since last month but then stated it was a couple of times per day. GONZALEZ stated that she gave ARMENDARIZ permission to marry CV1 but that ARMENDARIZ needed to ask CV1's father as well. GONZALEZ stated that she

planning on taking CV1 to Odessa and then later said that the destination would be El Paso. GONZALEZ stated that Odessa was a lie and that ARMENDARIZ was planning on spending at least one night with CV1 on the trip in May in exchange for him paying \$255 to defray the cost of CV1's plane ticket.

GONZALEZ stated that she has known since approximately Christmas of the sexual relationship between ARMENDARIZ and CV1. GONZALEZ stated that she had spoken with Naomi Armendariz once over the phone and once in person to discuss the relationship between ARMENDARIZ and CV1. GONZALEZ stated that Naomi Armendariz was "ok with it if GONZALEZ was."

On May 28, 2013 at approximately 1523 hours SA Ainsworth, FSPD Investigator Mehan, and FSPD Investigator Salamanca met N. ARMENDARIZ at her residence located at 1204 North Oklahoma St in Fort Stockton Texas. SA Ainsworth asked ARMENDARIZ if ARMENDARIZ would be willing to talk with SA AINSWORTH about the status of the case and seized property. SA Ainsworth stated we could sit outside of the house to avoid her dogs and N. ARMENDARIZ agreed.

N. ARMENDARIZ stated that she first met CV1 at either Christmas or Thanksgiving dinner and that CV1 said she was 16 years old. N. ARMENDARIZ stated that N. ARMENDARIZ's niece informed her that she and CV1 were classmates and that 16 was a lie.

N. ARMENDARIZ stated that the next time she met CV1 was at N. ARMENDARIZ's residence the night that N. ARMENDARIZ found out CV1 was pregnant.

N. ARMENDARIZ said that N. ARMENDARIZ called GONZALEZ to discuss the situation and N. ARMENDARIZ said that A. ARMENDARIZ would do the right thing and stay with CV1 to raise the unborn child. N. ARMENDARIZ later ran into GONZALEZ at the Flying J where GONZALEZ informed N. ARMENDARIZ it was a boy.

N. ARMENDARIZ stated that she bought the AK 47 2 years ago but it had been stolen and then she bought the AK 74 to replace it. N. ARMENDARIZ stated both weapons were bought off the internet and picked up at Pecos County Feed and Supply.

A cursory check of the transactional records at Pecos County Feed and Supply did not match her story and that in fact, the AK 74 had been purchased prior to the AK 47. When asked about the calibers of the weapons and the sizing of the chest rig, N. ARMENDARIZ confessed that she had lied and that the weapons had been purchased for her boyfriend Christopher HERRERA, a convicted felon.

Homeland Security Investigations Alpine, Special Agent Ainsworth reported the findings to the Assistant United States Attorney's office in Alpine, TX. The Assistant United States Attorney, Sandy Stewart, Western District of Texas, Alpine Division was

contacted. After being provided the facts of the case, Sandy Stewart authorized federal prosecution.